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OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF ECONOMIC JUSTICE
ANTITRUST BUREAU

March 30, 2021

By ECF Filing

Hon. Denise Cote
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *FTC, et al. v. Vyera Pharmaceuticals, LLC, et al.*, No. 20-cv-00706 (DLC)
Amendment of Pleadings by Stipulation

Dear Judge Cote,

The Parties have reached an agreement that will streamline aspects of this litigation. Under the agreement, the Plaintiff States, for our part, seek to withdraw our prayer for civil penalties and forfeitures under state laws, as set forth in Paragraph 19 in the Amended Complaint's Prayer for Relief, and Defendants, for their part, seek to withdraw their jury demands. There are no other changes to the Amended Complaint, the Prayer, or the Answers. The agreement is memorialized in the Joint Stipulation and [Proposed] Order, annexed hereto as Exhibit 1. It has been signed by all Parties.

The Parties believe that it would be more efficacious to implement these narrow amendments by an order that Paragraph 19 in Prayer for Relief and the jury demands in the Answers be stricken, rather than by filing a Second Amended Complaint and Amended Answers which, in turn, would entail redacted and unredacted versions, as well as sealing practice.

The Rules provide that the pleadings may be amended without leave of Court upon "the opposing party's written consent." Fed. R. Civ. P. 15(a)(2). Accordingly, Plaintiff State of New York, on behalf of the Plaintiff States and with the consent of the Defendants and co-Plaintiff Federal Trade Commission, respectfully requests that the Court endorse the Joint Stipulation and [Proposed] Order, striking only: (a) Paragraph 19 in the Prayer for Relief; and (b) the jury demands in all Answers.

Respectfully submitted,

/s/ Jeremy Kasha

Jeremy R. Kasha
Assistant Attorney General
Antitrust Bureau

cc: Counsel of Record (by ECF filing)